

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

Presentment date and time:  
October 3, 2017 at 9:15 AM

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In re

Response due date:  
September 26, 2017

MICHAEL A. CASSARA &  
BARBARA CASSARA,:

:

Chapter 13  
Case No.13-35947 (cgm)

Debtor(s).:

:

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NOTICE OF PRESENTMENT OF ORDER AS PER BANKRUPTCY RULE 9019  
TO APPROVE MODIFICATION OF MORTGAGE  
OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that upon the annexed motion of the above debtors, the undersigned will present the attached proposed order to the Honorable Cecelia G. Morris, Chief United States Bankruptcy Judge, for signature on October 3, 2017 at 9:15 AM.

PLEASE TAKE FURTHER NOTICE that unless a written objection to the proposed order, with proof of service, is filed with the Clerk of the Court and a courtesy copy is delivered to the Bankruptcy Judge's chambers at least three days before the date of presentment, there will not be a hearing and the order may be signed.

PLEASE TAKE FURTHER NOTICE that if a written objection is timely filed, the Court will notify the moving and objecting parties of the date and time of the hearing and of the moving party's obligation to notify all other parties entitled to receive notice. The moving and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

Dated: Middletown, New York  
September 1, 2017

Yours etc.,

/s/ H. Scott Ziemelis  
H. Scott Ziemelis  
Counsel for Debtor  
40 Grove Street  
Middletown, New York 10940  
(845)294-9432

To: Jeffrey Sapir, Esq, Chapter 13 Trustee.  
US Trustee  
all creditors

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

MICHAEL CASSARA &  
BARBARA CASSARA,

Case no.: 13-35533-cgm

Debtor(s).

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AFFIRMATION IN SUPPORT OF MOTION AS PER RULE 9019

H. SCOTT ZIEMELIS, an attorney licensed to practice law before the Courts of the State of New York, affirms under the penalty of perjury as per CPLR 2106 as follows:

1. The Debtors filed their petition in this matter on March 13, 2013.
2. The Debtors own certain real property located at 17 Little Collabar Road, Montgomery, New York, in fee simple. This property is the Debtors' residence.
3. Said property was listed in Schedule "A" of the bankruptcy petition.
4. A mortgage lien currently exists on the property, which is held by BSI Financial Services as servicer for the Federal National Mortgage Association.
5. Pursuant to an Order for Loss Mitigation signed on November 21, 2016 by Hon. Cecelia G. Morris, the Debtors and Creditor commenced negotiations.
6. The Creditor and Debtors have agreed on a settlement of this matter as described in the Loan Modification Agreement attached hereto as Exhibit "A."

Dated: September 11, 2017

Yours etc.,  
/s/ H. Scott Ziemelis  
Counsel for Debtor(s)  
40 Grove Street  
Middletown, New York 10940  
845-294-9432

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re

MICHAEL A. CASSARA &  
BARBARA CASSARA,

Case no.: 13-35533-cgm

Debtor.

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AFFIRMATION OF SERVICE

H. SCOTT ZIEMELIS, an attorney licensed to practice law before the Courts of the State of New York, affirms under the penalty of perjury as per CPLR 2106 that he served a copy of the annexed notice of motion for judicial lien avoidance by first class mail on

Karin Murphy, Assistant Vice President  
c/o BSI Financial Services  
1425 Greenway Dr., Ste 400, Irving TX 75038

Shapiro Dicaro & Barak, LL  
One Huntington Quadrangle, Suite 3N05, Melville, New York 11747

Suntrust c/o Berkman, Henoch, Peterson, Peddy & Fenchel PC  
100 Garden City Plaza, Garden City, NY 11530

Jeffrey Sapir, Esq.  
Chapter 13 Trustee  
399 Knollwood Road, Suite 102, White Plains, NY 10603

Office of the United States Trustee  
74 Chapel Street #1, Albany NY

Pryor Cashman LLP  
7 Times Square, New York NY 10036

Rosicki, Rosicki & Associates, PC  
51 East Bethpage Rd, Plainview NY 11803

Provident Bank c/o Elizabeth Haas, Esq.  
254 S. Main St., Ste. 210, New City NY 10956

and the following by President General or Managing Agent:  
Provident Bank, 400 Rella Blvd., Suffern, New York 10901  
Kohl's, N56 W17000 Ridgewood Drive, Menomonee Falls WI 53051  
American Express, 200 Vesey St., NY NY 10285  
Walmart, 702 SW 8<sup>th</sup> St., Bentonville AR 72716  
HSBC, 452 5<sup>th</sup> Ave., NY NY

JC Penny, 6501 Legacy Dr., Plano TX 75024  
Old Navy-GEGRB, 6007 Greenpoint Dr., Grovepoint OH 43125  
Exxon/Mobil, 5959 Las Colinas Blvd, Irving TX 75039-2298  
Discover, 2500 Lake Cook Rd, Riverwoods IL 60015  
Sears, 3333 Beverly Rd, Hoffman Estates IL 60179  
Citgo, 1293 Eldridge Pkwy, Houston TX 707-1670  
Cabela's, 1 Cabela Dr., Sidney NE 69160  
Sam's Club, 2101 SE Simple Savings Dr., Bentonville AR 72716

on the 11th day of September, 2017.

Affirmed: September 11, 2017

/s/ H. Scott Ziemelis  
H. Scott Ziemelis, Esq.